

## **REMARKS**

### **1. Status of Claims**

Claims 1-19 and 21 were pending in the Application. Applicants have amended claims 1, 8, and 21 without prejudice or disclaimer. A Request for Continued Examination (RCE) and fee is submitted herewith. Applicants respectfully request entry of the above amendments and consideration of the enclosed remarks. Applicants submit that no new matter is added. Accordingly, claims 1-19 and 21 will remain pending in the application.

Alleged Official Notice. Applicants again dispute any alleged official notice as the Office Action did not suggest that Official Notice was being taken and relied on as evidence for any particular rejection. Applicant again disputes any such statement and requests clarification of exactly what the Examiner is claiming by Official Notice. Applicants respectfully request appropriate references or an affidavit. For example, Applicants are unsure what the Examiner intends to take by Official Notice by the statement "that high-volume mailers may have different needs than low-volume mailers" and the other statements listed on page 3 of the Office Action.

### **2. Claim Objections**

In section 10 of the Office Action, the Examiner objected to claims 1, 8 and 21 for certain informalities.

Applicants have amended claims 1, 8 and 21 for merely cosmetic reasons to correct the noted typographical errors.

Accordingly, Applicants respectfully request that the Examiner withdraw the objections.

### **3. Rejections under 35 USC § 112**

In section 12 of the Office Action, the Examiner rejected claims 1-19 and 21 as allegedly failing to comply with a written description requirement.

To the extent the written description requirement is a separate requirement beyond enablement, to establish such a rejection, the Examiner is required to show that the Appellants have submitted a new or amended claim and has not described the claimed invention such that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. *See e.g.*, MPEP 2163.04, *citing Hyatt v. Dudas*, 492 F.3d 1365, 1370, 83 USPQ2d 1373, 1376 (Fed. Cir. 2007).

Applicants respectfully traverse the rejection and submit that the claims are supported by at least paragraphs 0007, 0037 and 0038. The Examiner notes that the specification adequately describes translating the generic XML data (meter usage data) to postal-authority specific data format and thus translations occur under both the old and new rules for a particular post, particularly if the meter retransmitted the data. Applicants respectfully submit that the currently presented claims satisfy a written description requirement.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection.

#### **4. Rejections under 35 USC § 101**

In section 14 of the Office Action, the Examiner rejected claims 1 and 7 as allegedly directed to non-statutory subject matter.

Applicants respectfully traverse the rejection and respectfully submit that the rejected claims are at least tied to another class of statutory subject matter. However, solely to expedite prosecution, Applicants have amended independent claim 1 without prejudice or disclaimer and thus the rejection of claims 1 and 7 is moot.

Applicants respectfully submit that the currently submitted claims recite statutory subject matter and request that the Examiner withdraw the rejection.

#### **5. Rejections under 35 USC § 103**

In section 15 of the Office Action, the Examiner rejected Claims 1-7 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to

Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871") in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998").

Applicants respectfully traverse the rejection and disagree with the Examiner's interpretation of the Reisinger '292 reference and disagree with the stated rationale supporting the purported combination of the references. Applicants reserve the right to antedate the Ramachandran '998 as may be appropriate.

Moreover, Applicants respectfully submit that the cited portions of Ramachandran '998 do not teach or fairly describe a second set of data collection rules as disclosed in the present application.

Accordingly, Applicants respectfully submit that amended independent claim 1 is patentable over the cited reference. Claims 2-7 are patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

With regard to claim 4, Applicants respectfully request a reference or affidavit regarding any intended statement of Official Notice. Applicants do not discern any intended statements of Official Notice in the present rejection and thus dispute any so intended statements.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 1-7.

In section 16 of the Office Action, the Examiner rejected Claims 8-10, and 17 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner '614") and in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998").

Applicants respectfully traverse the rejection and disagree with the Examiner's interpretation of the Reisinger '292 reference and disagree with the stated rationale supporting the purported combination of the references. Moreover, Applicants

respectfully submit that the cited portions of Ramachandran '998 do not teach or fairly describe a second set of data collection rules as disclosed in the present application.

Accordingly, Applicants respectfully submit that independent claim 8 is patentable over the cited reference. Claims 9-10 and 17 are patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Applicants do not discern any intended statements of Official Notice and thus dispute any so intended statements.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 8-10 and 17.

In section 17 of the Office Action, the Examiner rejected Claim 11 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner '614") in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998") and further in view of U.S. Patent No. 6,226,626 B1 to Thiel ("Thiel '626").

Accordingly, Applicants respectfully submit that dependent claim 11 is patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Applicants do not discern any intended statements of Official Notice and thus dispute any so intended statements.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claim 11.

In section 18 of the Office Action, the Examiner rejected Claims 12-13 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner

'614"), in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998"), in further in view of U.S. Patent No. 6,226,626 B1 to Thiel ("Thiel '626") and in further view of U.S. Patent No. 6,650,433 B1 to Keane, et al. ("Keane '433").

Applicants respectfully submit that dependent claims 12-13 are patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Applicants do not discern any intended statements of Official Notice and thus dispute any so intended statements.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 12-13.

In section 19 of the Office Action, the Examiner rejected Claim 14 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner '614") in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998"), and further in view of U.S. Patent Applicant Publication No. 2003/0097337 A1 by Brookner, et al. ("Brookner '337").

Applicants respectfully submit that dependent claim 14 is patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Applicants do not discern any intended statements of Official Notice and thus dispute any so intended statements.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claim 14.

In section 20 of the Office Action, the Examiner rejected Claims 15-16 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to

Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner '614"), in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998"), in further in view of U.S. Patent No. 5,383,115 to Lecarpentier ("Lecarpentier '115") and in further view of U.S. Patent No. 6,208,980 B1 to Kara ("Kara '980").

Applicants respectfully traverse the rejection. However, solely in order to expedite prosecution, Applicants have amended independent claim 8 and the rejection is moot. Accordingly, Applicants respectfully submit that dependent claims 15-16 are patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Applicants do not discern any intended statements of Official Notice and thus dispute any so intended statements.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 15-16.

In section 21 of the Office Action, the Examiner rejected Claims 18-19 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent No. 4,629,871 to Scribner, et al. ("Scribner '871"), in further in view of WO 00/52614 by Brookner et al. (Brookner '614"), in further view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998"), in further in view of U.S. Patent No. 5,715,164 to Liechti, et al. ("Liechti '164").

Applicants respectfully submit that dependent claims 18-19 are patentable over the cited reference for at least the same reasons discussed with reference to the independent and any intervening claims.

Applicants do not discern any intended statements of Official Notice and thus dispute any so intended statements.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claims 18-19.

In section 22 of the Office Action, the Examiner rejected Claim 21 under 35 U.S.C. 103(a) as allegedly rendered obvious by U.S. Patent No. 6,148,292 to Reisinger, et al. ("Reisinger '292") in view of U.S. Patent Application Publication No. 2003/0083998 A1 to Ramachandran, et al. ("Ramachandran '998").

Applicants respectfully traverse the rejection and disagree with the Examiner's interpretation of the Reisinger '292 reference and disagree with the stated rationale supporting the purported combination of the references. Applicants reserve the right to antedate the Ramachandran '998 as may be appropriate.

Moreover, Applicants respectfully submit that the cited portions of Ramachandran '998 do not teach or fairly describe a second set of data collection rules as disclosed in the present application.

Applicants do not discern any intended statements of Official Notice and thus dispute any so intended statements.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection to claim 21.

Accordingly, Applicants respectfully submit that the invention as presently claimed in claims 1-19 and 21 is patentable and in condition for allowance.

## **6. Conclusion Of Remarks**

For at least the reasons stated above, it is respectfully submitted that the claims of this application are in condition for allowance and early and favorable action thereon is requested.

If the Examiner believes that additional issues may be resolved by a telephone interview, the Examiner is respectfully urged to telephone the undersigned attorney for Applicant at (203) 924-3180.

**7. Authorization**

No fee is believed due with this response. However, the Commissioner is hereby authorized to charge any additional fees which may be required for the response or credit any overpayment to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-388-O1.

In the event that an extension of time or additional extension of time is required to make this response timely filed, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely. The Commissioner is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the Pitney Bowes, Inc. Deposit Account Number 16-1885, Order No. F-388-O1.

Respectfully submitted,

/George M. Macdonald/

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